

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA GAS TRANSMISSION
CORPORATION,

Plaintiff,

- against -

LEWIS PERRY, YOLANDA PERRY,
ALEXANDER ROAD ASSOCIATION, INC.,
ANTHONY VULPONE, ESTATE OF ANTHONY
VULPONE, ROBERT ANTALOCY,
THOMAS HARRIS, DOLORES A. KORZ,
JOHN P. KILDUFF, KENNETH LEE d/b/a
"I CAN GET IT FOR YOU WHOLESALE",
SALLIE E. HARMON, PAUL RUGGIERO,
MICHELLE RUGGIERO, TERRANCE
DONNARY, ANDREW PERNA, KAREN
PERNA, ROBERT McMAHON, CARL
McMAHON, KELVIN M. LEWIS, MARCHELLE
KIRBY, JHON GORDON, RUTH MONROE,
EDWARD R. MATEO, ROSANN P. MATEO,
ADAM DORAN, NICOLE DORAN, CREDENCE
DEVELOPMENT INC., RICHARD DELISI,
ADELAIDE FAULKNER, PAUL ESPEL,
CAROL ESPEL, DAWN FORNOFF, RICHARD
BURTON, GARY MARINA, and JOHN DOE
NO. "1" through "10" inclusive, the names of the
last ten defendants being fictitious, the true names
being unknown to plaintiff, the parties intended
being those having an ownership interest in
property effected by a certain easement described
in the complaint,

Defendants.
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Civil Action No. 07 cv 5739 (KMK)
ECF CASE

**ORDER TO SHOW CAUSE
FOR ENTRY OF DEFAULT
JUDGMENT AND
PRELIMINARY RELIEF**

Upon reading and filing of the annexed Declaration of Andrew Lake, executed
September 27, 2007, the Declaration of Scott S. McKessy in Support of Preliminary Relief,
executed September 27, 2007, the Declaration of Scott S. McKessy in Support of Default

Judgment, executed September 27, 2007, exhibits annexed thereto, the Summons and Complaint and the accompanying memorandum of law,

ORDERED, that the above named defendants, show cause before this Court, at Room _____, Southern District of New York, United States Courthouse, located at 300 Quarropas Street, White Plains, New York on the 9th day of October, 2007 at ~~9:30~~ ^{2:30 p.m.} in the forenoon of that day or as soon thereafter as counsel may be heard, why an order should not be made and entered as follows: (i) granting Columbia Gas Transmission Corporation ("Columbia") a default judgment against Robert Antalocy; Dolores Korz ; John Kilduff ; Sallie Harmon; Paul Ruggiero; Michelle Ruggiero; Terrance Donnary; Andrew Perna; Karen Perna; Kelvin Lewis; Marchelle Kirby; Adelaide Faulkner; Paul Espel; Carol Espel; Dawn Fornoff; Richard Burton; Jhon Gordon; and Estate of Anthony Vulpone (collectively the "Defaulting Defendants"); (ii) enjoining and restraining all defendants from taking any steps to prevent Columbia, or its assigns, access to their properties and granting Columbia and its assigns immediate access to defendants' properties in order to perform required and necessary pre-construction work in the areas designated on the alignment sheets annexed to the underlying papers; (iii) granting Columbia an additional 60 days to serve defendants Kenneth Lee d/b/a "I can Get It For You Wholesale" and Thomas Harris and authorizing service to be effectuated upon them by mailing via overnight courier and certified and registered mail, to their last known postal address and by affixing a copy of the papers upon their properties affected by the easement recorded in the Office of the Orange County Clerk in Liber 1140 at Page 119 ; and it is further

ORDERED ~~that, sufficient reason having been shown therefor, pending the hearing and determination of plaintiff's application for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, defendants and their employees, representatives, attorneys and agents are temporarily~~

~~enjoined and restrained from taking any action that would deny Columbia access to their properties and granting Columbia and its assigns immediate access to defendants' properties in order to perform required and necessary pre-construction work in the areas designated on the alignment sheets annexed to the underlying papers; and it is further~~

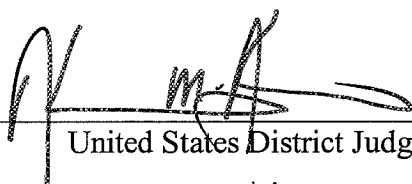
ORDERED that security in the amount of \$ _____ be posted by the plaintiff prior to _____, 2007, at _____ o'clock in the _____ noon of that day.

SUFFICIENT CAUSE APPEARING THEREFOR, let service of a copy of this Order to Show Cause, together with all supporting papers upon defendants via overnight mail on or before the 2nd day of October, 2007 ^{by 5pm} be deemed good and sufficient service, except that service upon Lewis Perry, Yolanda Perry, Edward Mateo, Rosann Mateo, Adam Doran, Nicole Doran, Richard Delisi, Alexander Road Association and Credence Development, Inc. shall be made by serving, via overnight delivery, their attorneys Zraich, Nahas & Rich, 303 Fifth Avenue, Suite 1201, New York, New York 10016.

✓ Dated: White Plains, New York
October 1, 2007

10:45 am.

✓ SO ORDERED:
ENTER:


United States District Judge

Hon. Judge Kenneth H. Karas

IT IS FURTHER ORDERED that Defendants' responsive papers to this Order to Show Cause be filed and that 1 courtesy copy be provided to the Court and served on Plaintiff by 4 pm on October 4, 2007, and that Plaintiff's Reply papers be filed and served (including a courtesy copy to the Court) by 4 pm on October 5, 2007.